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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

META PLATFORMS, INC., a Delaware
corporation,

Plaintiff /
Counterclaim
Defendant,

vs.

BRANDTOTAL LTD., an Israeli corporation, and
UNIMANIA, INC., a Delaware corporation,

Defendants /
Counterclaim
Plaintiffs.

Case No. 3:20-CV-07182-JCS

**DECLARATION OF FRED LEACH
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO BRANDTOTAL'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Hon. Joseph C. Spero

1 I, Fred Leach, declare:

2 1. I submit this declaration in support of Plaintiff Meta Platforms, Inc.'s ("Meta")
3 Opposition to BrandTotal's Motion for Partial Summary Judgment in the above-captioned
4 matter. I have personal knowledge of the facts set forth herein, and if called to testify as a
5 witness, I could do so competently under oath.

6 2. I am a Director of Product Management at Facebook. I have been employed by
7 Meta since 2010. My responsibilities at Meta include managing the team that develops and
8 oversees the suite of products that Meta offers advertisers to understand the effectiveness of their
9 advertising on Meta's platforms.

10 3. A broad range of users can advertise on the Facebook and Instagram platforms.
11 To place an advertisement on Facebook or Instagram, a user must have a Facebook or Instagram
12 account. Individuals, small businesses, and large companies all advertise on Facebook and
13 Instagram. Users who advertise on Facebook and Instagram make intentional decisions about
14 the reach of their advertisements and the content that they display. To help advertisers make
15 those strategic decisions about their business, Meta implements Advertiser Controls that allow
16 advertisers to manage the placement and other features about their advertisements to achieve
17 different objectives.

18 4. Advertisers often make significant investments in developing unique and
19 proprietary strategies to market their products in certain ways and to certain demographics. Meta
20 provides a range of products to help advertisers assess how those strategies are performing and to
21 manage and understand the business value of their advertising on the Facebook and Instagram
22 platforms. Meta tools like Ads Manager and Facebook Pixel allow advertisers to access
23 analytics about their own advertisements and the effectiveness of those advertisements. For
24 example, within Ads Manager, an advertiser can track the performance of its advertising
25 campaigns and adjust audience and placement options to improve its campaign performance.
26 Other tools like Brand Lift and Conversion Lift provide different metrics to help an advertiser
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1 assess the strength of its own campaigns by measuring an advertisement’s impact on brand
2 metrics and the causal impact of advertisements on business performance.

3 5. Advertisers on Facebook and Instagram expect Meta to protect the proprietary
4 information about the strategy behind their advertising campaigns and the performance of those
5 campaigns. Meta protects advertiser data, and does not allow other advertisers to access an
6 advertiser’s data, including engagement information or the criteria the advertiser is using to
7 target different audiences, unless they are given permission to do so. Meta limits access to an
8 advertiser’s data for advertisements that are not about social issues, elections, or politics to the
9 advertiser itself. For example, Meta does not share one advertiser’s decisions about an
10 advertising campaign’s reach with that advertiser’s competitors. Unless a company is a
11 Measurement Partner with explicit consent from an advertiser to access that advertiser’s own
12 data, Meta does not allow third parties to collect information about, for example, the reach of
13 advertising campaigns. Access to that information would allow the third party to reverse
14 engineer the advertiser’s proprietary strategies. Therefore, Meta does not provide information
15 about one advertiser to another except through anonymized, aggregated metrics that cannot be
16 used to identify specific advertisers.

17 6. Meta also offers a large network of “Measurement Partners.” An advertiser can
18 grant a measurement partner access to the advertisers *own* data regarding its advertising strategy
19 and campaigns to obtain measurement analytics through an approved channel. Measurement
20 Partners help advertisers measure the effectiveness of their own advertising on the Meta
21 platforms, for example, by providing an estimate of the number and demographics of the users
22 who saw the advertiser’s particular advertising campaign. Protecting advertiser’s data is
23 important to ensuring that users and businesses who advertise on the platform trust the security
24 of their information and realize the value of their investment in advertising on the platform.

25 7. Outside of those approved channels, Meta limits access to advertising information
26 because it protects the strategic decisions that advertisers make in determining how to develop,
27 deploy, and adjust their advertising campaigns on Facebook and Instagram. When
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1 advertisements and engagement information is improperly scraped from Facebook, the advertiser
2 has no ability to consent to its collection and removal. One of the reasons that Meta limits
3 scraping of advertisements and engagement information is because such scraping could allow
4 third-parties to recreate or reverse engineer an advertiser's strategic decisions about its
5 advertising campaigns on the Facebook and Instagram platforms—valuable and proprietary
6 information that Meta provides only to advertisers and not to advertisers' competitors. Meta
7 makes advertising on its platforms valuable for businesses by allowing advertisers to make
8 strategic decisions that the advertisers feel confident they can deploy without exposing those
9 decisions to their competitors.

10
11 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
12 1st day of April, 2022, in Portola Valley, CA.

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14 
15 Fred Leach